

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

Eugene J. Plaza,

Complainant,

) No. 16-0136

-VS-

Commonwealth Edison Company,

Respondent .

Complaint as to Commonwealth Edison has threatened to cut-off electrical service to my residence unless I pay an estimated \$8,000 for the relocation of the existing service which has been in place for more than 60 years in Park Ridge, Illinois.

Chicago, Illinois

May 3, 2016

Met pursuant to notice at 11:00 a.m.

BEFORE :

JESSICA I. CARDONI, Administrative Law Judge.

1 APPEARANCES:

2 MR. EUGENE J. PLAZA  
2701 Mayfield Drive  
3 Park Ridge, Illinois 60068

4 Appearing pro se;

5 LAW OFFICES OF MARK L. GOLDSTEIN PC, by  
MR. MARK L. GOLDSTEIN  
6 3019 Province Circle  
Mundelein, Illinois 60060  
7 (847) 949-1340

8 Appearing on behalf of the Respondent.

9 ALSO PRESENT:  
Aaron Jiménez, Commonwealth Edison Company

10 SULLIVAN REPORTING COMPANY, by  
11 Brad Benjamin, CSR  
License No. 084-004805

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	Re- <u>direct</u>	Re- <u>cross</u>	By <u>Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None so marked or admitted.		

1           JUDGE CARDONI: Pursuant to the authority of  
2   the Illinois Commerce Commission, I now call  
3   Docket 16-0136. This is Mr. Eugene J. Plaza's  
4   Complaint versus Commonwealth Edison. And it's a  
5   Complaint as to Commonwealth Edison has threatened to  
6   cut-off electrical service to my residence unless I  
7   pay an estimated \$8,000 for the relocation of the  
8   existing service which has been in place for more  
9   than 60 years in Park Ridge, Illinois.

10                   May I have the appearances, please,  
11   for the record.

12                   Mr. Plaza?

13           MR. EUGENE J. PLAZA: Yes, ma'am.

14           JUDGE CARDONI: Your name and address, please.

15           MR. EUGENE J. PLAZA: Sure.

16                   It's Eugene Joseph Plaza, and my  
17   residence is 2701 Mayfield Drive, and that's in  
18   Park Ridge, Illinois.

19           MR. GOLDSTEIN: For Commonwealth Edison  
20   Company, Mark L. Goldstein, 3019 Province Circle,  
21   Mundelein, Illinois 60060. My telephone number's  
22   (847) 949-1340, and with me this morning is

1     Aaron Jiménez of ComEd.

2             JUDGE CARDONI:   Thank you.

3                     This is our first status in this case,  
4     and I have a couple of questions for the parties.

5                     Mr. Plaza, you stated just now that  
6     your address is 2701 Mayfield.

7             MR. EUGENE J. PLAZA:   That's right.

8             JUDGE CARDONI:   So you live there currently?

9             MR. EUGENE J. PLAZA:   About 29 years.

10            JUDGE CARDONI:   And the address in your  
11   complaint that you're complaining about at 1700  
12   Potter Road, is that your neighbor's address --

13            MR. EUGENE J. PLAZA:   That's correct.

14            JUDGE CARDONI:   -- with the shed?

15            MR. EUGENE J. PLAZA:   That's correct.

16            MR. GOLDSTEIN:   Okay.   So you stated that the  
17   shed was built last summer.

18            MR. EUGENE J. PLAZA:   About in July.

19            JUDGE CARDONI:   July.   Okay.

20                     And do you currently have -- you're  
21   currently receiving power, I assume, from ComEd?

22            MR. EUGENE J. PLAZA:   Correct, ma'am.

1 JUDGE CARDONI: And when did you understand  
2 that there was an issue with the height of the lines?  
3 MR. EUGENE J. PLAZA: When the wires were  
4 draped over the rafters of the shed, right there on  
5 the bottom picture.  
6 JUDGE CARDONI: So it was what you noticed, it  
7 wasn't something from ComEd --  
8 MR. EUGENE J. PLAZA: Oh, no, ma'am.  
9 JUDGE CARDONI: -- from your neighbor?  
10 MR. EUGENE J. PLAZA: I noticed it.  
11 JUDGE CARDONI: Okay. And then you contacted  
12 ComEd?  
13 MR. EUGENE J. PLAZA: No, I contacted the  
14 Park Ridge City Hall. There's only the department.  
15 JUDGE CARDONI: Okay. Okay.  
16 And you also stated in your Complaint  
17 that there's an easement.  
18 MR. EUGENE J. PLAZA: That's correct.  
19 JUDGE CARDONI: Is this a -- I mean, is it an  
20 actual legal easement to your understanding?  
21 MR. EUGENE J. PLAZA: Yes. One of the zoning  
22 inspectors -- I have an e-mail certifying that it is

1 built on Commonwealth easement.

2 JUDGE CARDONI: So is it ComEd's easement or is  
3 it your easement?

4 MR. EUGENE J. PLAZA: Commonwealth Edison's  
5 easement.

6 JUDGE CARDONI: Is that your understanding,  
7 Mr. Goldstein?

8 MR. GOLDSTEIN: I think so.

9 MR. AARON JIMÉNEZ: Yeah. It's ten -- about  
10 ten inches in our easement, but that would be a  
11 separate matter with the Stojas.

12 JUDGE CARDONI: I'm sorry. I didn't hear you.

13 MR. AARON JIMÉNEZ: I don't think that affects  
14 this case though.

15 JUDGE CARDONI: Well, I'm just getting  
16 clarification.

17 MR. AARON JIMÉNEZ: Oh, yeah. No worries.

18 JUDGE CARDONI: It's fine. I just wasn't clear  
19 if there was -- if it was Mr. Plaza's easement --

20 MR. EUGENE J. PLAZA: No, ma'am.

21 JUDGE CARDONI: -- or if it was ComEd's  
22 easement.

1           MR. EUGENE J. PLAZA:   It was Park Ridge.

2           JUDGE CARDONI:   Okay.   Okay.

3                        So -- and then, at that time when did

4   you -- when were you told that they needed to move

5   the lines?

6           MR. EUGENE J. PLAZA:   Well, common sense told

7   me that the lines must be moved.   I waited a good two

8   months before ComEd -- ComEd removed them in

9   September.   They didn't remove them; they

10   heightened -- they lifted the wires off the roof

11   about ten inches.

12          JUDGE CARDONI:   Okay.

13          MR. EUGENE J. PLAZA:   And that's where it is to

14   date.

15          JUDGE CARDONI:   Okay.

16          MR. EUGENE J. PLAZA:   So it's still not

17   according to regulations.

18          JUDGE CARDONI:   Okay.   And then -- and is that

19   when you understood that the cost to move the pole

20   would be 5 to \$8,000?

21          MR. EUGENE J. PLAZA:   Yes.

22          JUDGE CARDONI:   Okay.   And to date you have not

1     paid \$500 as a deposit, have you?

2             MR. EUGENE J. PLAZA:   No, ma'am.   Because I  
3     felt that I am an innocent to party to all this and  
4     the person who caused all this is Mike Stoja, and  
5     I -- you know, it's like I said.   I feel like I just  
6     woke up in the 19th Century and I've been charged  
7     with bank robbery.   This is all new to me.   I mean,  
8     I've never encountered anything like this before.

9             JUDGE CARDONI:   Okay.   Mr. Goldstein, did you  
10    want to add anything about, you know, jurisdiction  
11    or --

12            MR. GOLDSTEIN:   Well, there is a tariff  
13    involved.

14            JUDGE CARDONI:   Uh-huh.

15            MR. GOLDSTEIN:   And the tariff requires that  
16    there be a relocation of the wires.   There are two  
17    possible alternatives for Mr. Plaza.   Those  
18    alternatives, by the way, both involve Mr. Plaza  
19    paying, either to Commonwealth Edison or an  
20    electrical contractor to do the certain work.

21                               And so that's where we're at with  
22    respect to this particular situation.

1 JUDGE CARDONI: Does -- the lines in question,  
2 do they serve more than just Mr. Plaza?

3 MR. AARON JIMÉNEZ: No.

4 JUDGE CARDONI: They're solely servicing his  
5 property?

6 MR. GOLDSTEIN: Yes.

7 MR. AARON JIMÉNEZ: Yes.

8 JUDGE CARDONI: So they do not service the  
9 neighbor's property --

10 MR. AARON JIMÉNEZ: Correct.

11 JUDGE CARDONI: -- at Potter -- in Potter?

12 MR. AARON JIMÉNEZ: Not those wires, correct.

13 JUDGE CARDONI: Okay.

14 MR. GOLDSTEIN: Not the ones in --

15 JUDGE CARDONI: Well, it sounds like you guys  
16 have spoken and there may be a way to avoid  
17 litigating this.

18 I'm going to continue the case for a  
19 couple months, but certainly, if we're unable -- if  
20 you're unable to resolve it we'll need to -- you'll  
21 probably need to file an answer, Mr. Goldstein, or  
22 provide some additional information. You know, an

1     answer or some kind of other pleading. But let's see  
2     if there's a way to work it out without going to that  
3     distance.

4                     Did you speak to an attorney,  
5     Mr. Plaza?

6             MR. EUGENE J. PLAZA: Yes, ma'am. I spoke to  
7     two of them. The fees that they were asking, we're  
8     at a point where I'm just not financially capable.

9             JUDGE CARDONI: Okay.

10            MR. EUGENE J. PLAZA: And I just want to tell  
11     you that -- you know, my daughter just graduated out  
12     of the University of Wisconsin and now she wants to  
13     enter the Master's Program, and I'm just financially  
14     strapped just trying to pay for her education. So,  
15     to be honest with you, the money just isn't there.

16            JUDGE CARDONI: Well, without, you know, saying  
17     definitive, which certainly -- you know, I don't have  
18     all of the information --

19            MR. EUGENE J. PLAZA: I understand.

20            JUDGE CARDONI: -- that I would need. If  
21     there's a -- if this is a property dispute or an  
22     easement dispute the Commission doesn't typically get

1 involved in that. You know, we're involved in  
2 billing issues and what not.

3 MR. EUGENE J. PLAZA: Yes, ma'am.

4 JUDGE CARDONI: But I'm not going to leave you  
5 hanging out there.

6 MR. EUGENE J. PLAZA: I appreciate it.

7 JUDGE CARDONI: We're certainly going to look  
8 further into the issues. But I'm going to give you a  
9 chance to try to work it out.

10 MR. EUGENE J. PLAZA: Thank you.

11 JUDGE CARDONI: And let's pick a date for a  
12 couple months from now.

13 Mr. Goldstein, were you thinking July?

14 MR. GOLDSTEIN: That's up to Mr. Plaza.

15 MR. EUGENE J. PLAZA: Sir, I'm retired. It  
16 doesn't matter.

17 JUDGE CARDONI: I only said "Mr. Goldstein"  
18 because he frequently comes here.

19 MR. EUGENE J. PLAZA: Oh, okay.

20 JUDGE CARDONI: So I wanted to be cognizant of  
21 both of your schedules, but perhaps there is a day --

22 MR. GOLDSTEIN: Well, there's nothing in July

1 all, is there?

2 MR. AARON JIMÉNEZ: No, nothing.

3 MR. GOLDSTEIN: Nothing I remember.

4 MR. AARON JIMÉNEZ: I think it's mostly free.

5 JUDGE CARDONI: Well, 8 weeks would be --

6 MR. GOLDSTEIN: First week in July.

7 MR. AARON JIMÉNEZ: Well, I guess if there's

8 any conflict we could just --

9 JUDGE CARDONI: July 5th probably is not great.

10 MR. GOLDSTEIN: No.

11 JUDGE CARDONI: What about July 12th?

12 MR. GOLDSTEIN: That would be fine, I guess.

13 MR. EUGENE J. PLAZA: That's fine.

14 JUDGE CARDONI: Is 11:00 o'clock all right?

15 MR. EUGENE J. PLAZA: That's fine with me.

16 MR. GOLDSTEIN: That's fine.

17 JUDGE CARDONI: Then we will be -- we're still

18 on the record. So we will be entered and continued

19 until July 12th at 11:00 o'clock, and I encourage you

20 to continue to speak.

21 MR. EUGENE J. PLAZA: To who?

22 JUDGE CARDONI: To Mr. Jiménez.

1           MR. EUGENE J. PLAZA:   Okay, I will.

2           JUDGE CARDONI:   And perhaps you can work it

3   out.

4           MR. EUGENE J. PLAZA:   Okay.

5           JUDGE CARDONI:   If you're able to do so, ComEd

6   will take care of all the paperwork that's needed and

7   you won't need to return.

8           MR. EUGENE J. PLAZA:   Okay.

9           JUDGE CARDONI:   If not, we can discuss further

10   on July 12th, setting either additional hearings or

11   perhaps actual, you know, paper filings of some kind.

12   So we'll discuss it later.

13                           Do you have any questions, Mr. Plaza?

14           MR. EUGENE J. PLAZA:   You know, to be honest

15   with you, this is kind of a sigh of relief because

16   I -- I've been banging my head against the wall for

17   the past 10 months and no one just seems to care or

18   listen, and this is the first time where my voice has

19   actually been heard.

20           JUDGE CARDONI:   Good.

21           MR. EUGENE J. PLAZA:   So I would like to thank

22   the Commission and ComEd.

1 JUDGE CARDONI: Well, you're welcome, and  
2 hopefully we can resolve the matter.

3 MR. EUGENE J. PLAZA: Very good.

4 JUDGE CARDONI: Thank you.

5 (Whereupon the matter above was  
6 continued to July 12, 2016, at  
7 11:00 a.m.)

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